

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DONALD DICKINSON,

Plaintiff,

Civil Case No. 8:09-CV-1123

-vs-

ELRAC, INC.; ENTERPRISE HOLDINGS, INC.;
RANDY DAME; and JENNIFER DAME,

Defendants.

LAW OFFICE OF MARK SCHNEIDER
Counsel for Plaintiff
57 Court Street
Plattsburgh, NY 12901

MARK A. SCHNEIDER, ESQ.
DANIEL C. CUPPETT, ESQ.

BRAND, GLICK & BRAND, P.C.
Counsel for Defendants Elrac, Inc.
and Enterprise Holdings
600 Old Country Road, Suite 440
Garden City, NY 11530

PETER M. KHRINENKO, ESQ.

HON. GLENN T. SUDDABY, United States District Judge

DECISION and ORDER

On October 6, 2009, Donald Dickinson ("Plaintiff") filed a Complaint in this personal injury action, asserting claims against Elrac, Inc., Enterprise Holdings, Inc., Randy Dame, and Jennifer Dame. ("Defendants"). (Dkt. No. 11.) On October 28, 2009, Elrac, Inc., and Enterprise Holdings, Inc., appeared in this action by filing their Answer. (Dkt. No. 7.) Randy Dame and Jennifer Dame have not appeared in this action, and no further action has been taken against them. (See *generally* Docket Sheet.)

On January 28, 2010, Plaintiff's counsel filed a suggestion of death pursuant to Fed. R. Civ. P. 25, advising the Court that Plaintiff passed away. (Dkt. No. 9.) On January 30, 2010, Plaintiff's counsel served the suggestion of death on Lindsay

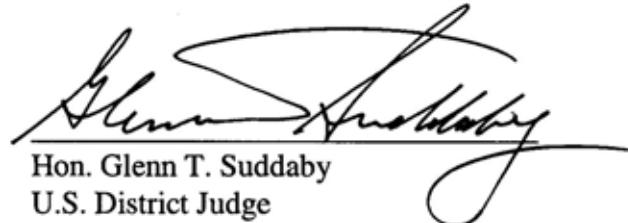
Dickinson, Plaintiff's next of kin, by certified mail. (Dkt. No. 14.) As of the date of this Decision and Order, no party or successor or representative of Plaintiff has made a motion for substitution, or requested an extension of the deadline by which to file such a motion.

ACCORDINGLY, it is

ORDERED that Plaintiff's Complaint (Dkt No. 1) is **DISMISSED** pursuant to Fed. R. Civ. P. 25(a).

The Clerk is directed to enter Judgment in favor of Defendants and close this action.

Dated: May 11, 2010
Syracuse, NY



Hon. Glenn T. Suddaby
U.S. District Judge